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ABSTRACT

A "trustee" means different things to different people. Some have suggested abolishing Boards of Trustees and handing all power to the students and faculty. Yet, if the University is to remain a center of learning and free inquiry, it will be easier to preserve this function with the support of a dedicated board of lay trustees. One responsibility a Baord serves is as an interpreter of the University, to defend the academy to the alumni and public, and to convey public sentiment to the academy. It also has the responsibility to anticipate grievances regarding broad policies and to act upon those to prevent disruptive action, to review and pass upon basic policies, and to assure that the necessary research has been done, and consultations made before decisions are reached. A Board of Trustees makes a mistake if it enters into administrative detail, instead of dealing with broad policy questions; if it interferes with the curriuculum, or personnel problems; if it thinks that it stands in loco parentis; if it is a house divided; if a member makes extreme statements to please a part of the public; if it allows leading politicians to be ex officio members; or if it thinks that the university can be operated like any other business. Since many of these abuses do occur, reforms for the future are essential. (AF)

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THE USES AND ABUSES OF TRUSTEES

By: Louis H. Heilbron

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About five years ago, in the course of an address to the Western College Association, I had occasion to define a trustee of a college or system of colleges. I suggested that in part it depended on one's point of view.

From the viewpoint of the administration, the trustee is a personnel problem who requires special handling according to his humor and temperament; but he is also a sounding board, a buffer against pressures from faculty, students, and outside agencies; a perpetual student who must be educated by the administration in time to meet a crisis; a fabricator of prefabricated policies.

From the viewpoint of faculty, he is a potential meddler in educational affairs; a possible vehicle for overturning the administration and transferring authority to the faculty; a court of last resort in disciplinary cases; an agent to procure the appropriations or contributions which the faculty wants; a man with a corporate bias who seeks to run a college like a business; sometimes a kind and friendly soul who might be brought to the door of the temple academy but never allowed to enter or to share the secrets of the brotherhood.

From the viewpoint of the student, he is a member of the older generation who cannot understand, a symbol of the establishment, at best no more harmful than Dad.

From the viewpoint of another trustee, he is a pretty good fellow, interested only in a better educational program, desiring to do a fair, honest and constructive job; unhappy when there is friction in the college community; willing to cooperate with all parties; expecting no public thanks and, in this respect, not being disappointed.

I do not see much reason to modify this statement in the light of the events of the past few years, except to indicate that the attitude of the militant student toward the trustee would be rougher. He would consider a trustee to be a pig along with the policeman and every other representative of authority.

There are, of course, some critics and observers of higher education who would prefer to eliminate the need for defining the role of a trustee by eliminating the trustee entirely from the college and university scene. For example, Justice William O. Douglas in his most recent book, "Points of Rebellion," recommends that the students

and faculty should assume the basic controls of the university so that it will become a revolutionary force in restructuring society. He implies that any segment of the college governance, such as the Board of Trustees, which is representative of existing society, tends to defeat the attainment of the activist role which he believes higher education should serve. It would be interesting to speculate upon the administration and viability of a university in the United States in which all power has been delegated to the faculty and the students. What part of the faculty would be most zealous in seizing control? What group of the students would be most interested in obtaining control from the faculty? Perhaps the Harvard faculty in a 1969 report anticipated a partial reply to Justice Douglas when it declared limits to the involvement of the university in the political and social affairs of the marketplace. The report said: "The university--any university--has a special competence. That competence is <u>not</u> to serve as a government, or as a consulting firm, or a polity, or a pressure group, or a family, or a secularized church; it <u>is</u> to serve as a center of learning and free inquiry." The suggestion of the Harvard faculty is that the great purpose of the university--of learning and free

inquiry--would be jeopardized if the institution itself became an instrumentality of social and political action. With this conclusion most of us would be disposed to concur, but let us withhold judgment for the moment. . . . I also believe that the spirit of free inquiry is better safeguarded in our colleges and universities if it has the support of a dedicated board of lay trustees.

In other words, the trustees do have their uses. Perhaps the most important and far-reaching act of any Board is that so eloquently described by President Ness in his address of Sunday evening; namely, its appointment of the chief executive officer, President or Chancellor, as the man who, more than any one else, will determine the character and direction of the institution. Naturally, most Boards want their leader to be a person of the highest academic distinction with the widest administrative experience, a brilliant speaker to community groups, a man certain to command the respect of his faculty and the affection of his students, or at least their neutrality; liberal in his views but conservative in his actions; a man of all seasons to please all people. Sometimes we have to settle for less. A Board is well advised these

days to appoint a Presidential screening committee representative of administration, faculty, and students, as well as trustees. Such a broad-based committee should give the new President the feeling of security and general support to which he is entitled upon assuming the duties of his office.)

The President will appreciate the moral support of the Board but just as much will he enjoy the Board's support in procuring the necessary operating and capital funds to run the institution--from legislative bodies or private contributions. This task is becoming more difficult as confrontations between students and college authorities have become hot copy for the news media. Now, just as the trustees are about to persuade a loyal alumnus to give his donation or vote an appropriation, some militant student group is likely to occupy the Administration Building or throw out the army recruiters. The result can be painful. But if the Board is on its toes and can place the event in perspective, or demonstrate that it was handled firmly but within the rule of law, then the check may still be written or the appropriation made. Such a favorable result requires that the Board keep itself informed, know the difference between fact and rumor, be able to stress the positive while

conceding or explaining the negative. I do not mean that the Board is required to be an apologist for violence, error, or lack of judgment. But the Board should see an episode in its entirety, not merely the television report, and tell the truth to the media, to the legislature (if involved), to the alumni, and to the public. The truth, as we all know, is that the vast number of young people attending our universities and colleges are earnest, serious students and not participators in violence and turmoil.

Thus, one of the Board's more important duties is its interpretative role and not only in the area of the procurement of funds. In the broadest sense the Board should defend the academy to the alumni and to the public and convey the public sentiment to the academy. This is not an easy task. You are asked why you did not prevent the construction of a coeducational dormitory, why you do not expel every student involved in a violent demonstration, why you do not fire a professor who has been quoted to have made some irresponsible or provocative remark in an address to the Women's Club. In giving effective answers you have to adjust to changing mores; to recognize that disciplinary

proceedings cannot be productive unless there has been effective identification and a fair hearing, that there is a price society must pay for maintaining a free academic atmosphere unpolluted by the smog of fear or censorship. At the same time, the trustee is aware that there is justification in much of the public criticism; that students should be required to conform to some minimum code of conduct in order to be entitled to remain in the university or college; that academic freedom can be meaningful only if it is exercised responsibly; that disciplinary proceedings should be fair and just but not wound up in endless red tape. The Board can lessen the tension which usually exists between the community and the college by explaining the one to the other.

It is in connection with students that trustees meet their greatest current challenge and where it is important for them to distinguish between objectives for change which many students share with militants and tactics wherein they disagree.

Extremist students, in their effort to break down respect for authority, do their utmost to show disrespect. I refer to such incidents as

invading a Board meeting for the purpose of hooting and jeering during the discussion; belching in a trustee's ear; derisively challenging a trustee to defend his credentials for membership on the Board--all recent occurrences.

Such calculated, impudent bad manners designed to intimidate or cause chaos cannot be tolerated. The incidents must be made the subjects of discipline as contempts of the institution; the conduct involved is certainly unbecoming a student under any reasonable code.

But if this same Board demonstrates its willingness to listen to students--their grievances and their proposals--who present their views as strongly as they may feel them, but within the bounds of reason and taste, and to take action only after due deliberation, the Board will, in most cases, hold the respect of the vast majority of students since the Board members respected the students in this process.

Indeed, it is in the area of anticipated grievances regarding broad policies that trustees may perform some of their most valuable services. When the Board hears, through administration or otherwise, reports about dissatisfaction

with an antiquated salary structure for faculty, or an admissions policy that operates harshly against the applications of disadvantaged minority students, or college social rules that are long outdated or off-campus student living conditions that indicate exploitation or hazards to health--the Board must deal with these issues before frustration sets in and discussions are replaced by demonstrations and possibly by violence. Whether or not one believes that collective bargaining for professors will ride the wave of the future, it is fairly clear that the failure of trustee boards, administrations, faculty senates, and legislators, to resolve important issues for faculty, in timely fashion, has given the greatest impetus to the movement for such bargaining.

The Board that adheres to an agenda of reviewing and passing upon basic policies is performing its function to the greatest advantage. Should the university add a medical school/ or initiate a new academic program? Should it charge tuition? If so, how much? When should tuition be waived, or how may the institution ameliorate its burdens? Should the institution expand or rehabilitate its physical plant and under what conditions of financing? Should campus administration be centralized in a multi-institutional system? What powers should be

reserved to a central administration? What delegation of authority should be given to faculty? What principles should control disciplinary procedures? What budgetary matters require more than routine approval of the Board? These are the kinds of issues with which the Board should occupy itself, not the details of curricula or administration. And the Board must look primarily to the administration for an exposition of the background data and alternatives implicit in the issue, or recommendation concerning the issue. By reason of the composition of the Board there may be times when the expertise of certain members in legal, financial, engineering, or architectural matters should properly be applied in evaluating a policy decision. But in the usual case it is the staff work that is essential to the decision, assuming, of course, that the staff has undertaken the necessary research and consultations.

This means that the Board should assure itself that faculty has had an opportunity to be part of the development of any major educational policy and any related policies that directly concern them.

Perhaps this is as good a place as any to begin a discussion of the abuses of trustees. We have just been considering the Board's function in policy matters. When the Board ceases to deal with broad policy questions but

enters into administrative detail, it is committing one of the cardinal sins. If the conduct of a teaching assistant or faculty member has been questionable, it is not for the Board to fire him or to transfer him to another position. This is an administrative function. If the executive fails to do a proper job, then it may be necessary to change the executive. But as long as he is in authority, don't undermine his position by doing his work.

A Board of Trustees should not interfere with curriculum. It is the general practice for curriculum matters to be delegated to the faculty, subject only to budgetary control. This is sound policy; if the faculty cannot evaluate the subject matter that it is supposed to teach, there is little hope for the institution. In the course of making these judgments, the faculty may now and again, particularly under student pressure, authorize experimental courses which appear to some to be of dubious academic value. There cannot be experimental projects without some risk of error. A responsible faculty will take care that such errors do not recur. It is better for the institution that the Board go along with an occasional controversial experiment than prohibit it or withdraw the credit that the academic authorities have

provided. A faculty whose reputation is on the line for an academic program will correct mistakes that otherwise will tarnish its reputation.

In its relations with students a Board should remember that it stands very little, if at all, in loco parentis. It should not attempt to impose 1930 or 1950 mores on the present college generation. It should not require the administration to censor the student press or seek to deny the students the freedom of association and of speech and assembly enjoyed by citizens generally, subject only to constitutionally valid limitations upon the exercise of these rights.

Unanimity of Board voting on all issues is neither necessary nor desirable. However, a Board which is continuously plagued with closely-divided votes is in trouble. It is obviously not giving general support to its own administration which has made recommendations of policy to it. This situation is not as likely to occur on the Board of a private institution as on the Board of a public institution whose appointees have been selected by different governors,

or governing authorities, reflecting differences of educational or political philosophy. The fact remains that a divided Board weakens both authority and influence.

There are two other abuses which are more characteristic of public Boards than of private. The first is the inclination of a zealous or publicity-minded trustee to make extreme statements at public meetings which are designed to please some part of the general public but which are inflammatory within the institution itself. Disparaging statements about the faculty, disdainful descriptions about the students, emotional generalizations about whole segments of the college or university may capture a newspaper caption or lead to a television interview but are often injurious to the cause of the college community. An even greater peril to the public university or college may arise from the ex officio membership of leading public officials. Originally, such officials were included on state university or college governing boards in order to keep them fully advised and informed with respect to the higher educational program and its particular problems and needs. But since higher education has become such a charge upon the public treasury and since campus

events and turmoil have become the location scenes for some of the more colorful television documentaries, the political office holders have used Board meetings, and corridor conferences before and after Board meetings, as a political forum. The Board meetings themselves then become subject to undue political pressures and interests. The policy question is seen by such ex officio members more in the light of voter appeal than of institutional integrity. Members of the Board have become divided along political lines of support of opposition. The suspicion or belief that political considerations have entered into educational decisions then permeates the administration, the faculty, and the student body and the fabric of the academic community is ruptured.

I do not say for one moment that ex officio public members should not have an impact on the educational scene. A governor, for example, must ultimately support or veto the higher education budget as any other or determine upon the legal necessity of using the National Guard to control a riot. But these are functions he must exercise as a constitutional officer and not as an ex officio member of a Board of Trustees. Moreover, the access of

public officials to the news media, the ability to plan and implement strategy in advance of a meeting or between meetings gives the public ex officio member an undue weighted influence as compared with his citizen colleagues.

Private Boards have their own membership abuses. Usually, they are self-perpetuating and sometimes they become a group of like-minded members who think the same way but have not had a new thought for a good many years. A Board with obsolete human equipment will not fare very well in the encounters of the coming decade.

An abuse shared by public and private Boards arises when the Board, due mainly to the experience of certain of its business members, determines that the college or university must be operated like any other corporate business. The Board gives its direction to the President, the President notifies the respective Vice Presidents, the Vice Presidents direct the Deans, the Deans instruct the department heads, and the professors are ordered by the department heads to perform accordingly in and out of the classroom. This straight line efficiency simply will not work in the university or college. While I hesitate to describe the modern mass multiversity as a community of

scholars, it is, nevertheless, a community comprised of different segments--the faculty being the most important group with respect to teaching and the students with respect to learning. Each segment of the institution has a peculiar interest and competence and cannot be controlled through centralized or bureaucratic procedures. Of course, many business techniques and devices can be utilized in the administration of the institution but not the same overall concept of governance.

If this analysis of the uses and abuses of trustees is reasonably correct to this point, then reforms for the future are indicated. First of all, it is suggested that a Board understand and make a conscious effort to control and prevent the abuses that have been described. Second, there are certain changes in Board structure that will help in improving Board operations. On public Boards, the time has arrived, I believe, when provision should be made constitutionally or by statute for the removal of public official ex officio members. Board membership should be diversified with respect to age groups, interests, and ethnic backgrounds. Younger members, with a recent relationship to student life, should be drawn from the alumni. The faculty point of view

should be represented by faculty members selected from other institutions. Students should be added to most trustee committees, certainly those dealing with educational policy and student affairs. A larger proportion of women members should be added. And, finally, the terms of members should not be of indefinite duration; the university of today is no place for tired blood.

The Board should listen long and well to the constituencies within the institution; to voices of dissent, to minority and majority groups, to the aspirations of students and faculty. As a matter of policy, the Board should support an administration request for funds to procure personnel for the Dean of Students or other appropriate office dealing with student affairs who are expert in the field of human relations. This is one way, among others, that the Board can assist the institution in providing procedures for the anticipation and processing of grievances.

There is a further and special service individual Board members can render--namely, enter into informal discussions with small groups of students, exchanging big and small talk between the generations. It can be a mutually

rewarding experience. You may be shocked to discover that in their approach to current social problems, the students exhibit very little sense of or interest in history. The world for them, for all practical purposes, began in its present messy state about 1950. Moses, Plato, Julius Caesar, the Crusades, Columbus, Lincoln, and the Wright Brothers all lived or happened at about the same time in the distant past. It is a revelation to them that their present state of luxury in free speech derives from their fathers' or uncles' defense of freedom in World War II. I engaged in one of these verbal encounters a few months ago at one of the State Colleges. The principal complaints of the students were two-fold: (1) that the professors gave the same course year after year and did not change the course to concentrate upon the topics in which they were interested and (2) that very few professors turned them on, so that most of their college career was a waste. I sympathized with their impatience at dry and needless repetition, but I did contend that the professor was in a better position to determine the important areas of their subject than they were; he should have some expertise in his own thing. Secondly, I told them that no college generation ever

contacts more than four or five great inspirational teachers during their college career and they should be grateful for that number of extraordinary student-teacher relationships. Indeed, I suggested that if a student were intellectually excited in every lecture for four years, he would have to be hospitalized long before the end of his college career. And, finally, I noted that it might be a bit presumptuous and arrogant on their part to expect their professors to work themselves constantly into the orbit of genius in order that they--the student beneficiaries--may be turned on. We had other exchanges and much of what they said about the slowness of the Academy to respond to the needs of change did make sense. I was the first flesh and blood trustee that they had ever met; and before it was over, I think they took some consolation in the fact that apparently I had not come from another planet. Trustees will understand their college or university better as a living institution if they take some time to meet with the students.

A Board should be conscious of the important role it can play in the preservation of academic freedom. This means that its policies should permit no group--of militant left or right--to intimidate, to coerce, to impose by violence its will upon the operations of the college or university. It should support its administration in using every legal means, preferably by the institution itself, to guarantee to all students and teachers that they have the freedom to learn and the freedom to teach and that those who attempt to destroy the university or the college through the pressures described will be removed from the institution.

It is becoming increasingly clear that the young revolutionaries are trying to bait the community to strike back at them through repression and a police state. Then, they feel, their day will come--they will seize the state itself. As to repression, they may get what they are asking for; as to power, they will not. The United States of America is not that vulnerable.

Before many further attempts at disruption take place I am hopeful that the non-involved sector of the American campus will arouse itself and bring an

overwhelming sense of outrage of the overwhelming majority of students and faculty to bear upon the violent dissidents so that the campus once again will be free of intimidation and fear from students and their street allies who throw rocks in the name of justice, yell slogans, and beat drums to drown out the words of those they dislike, in the name of free speech, and set fires and hurl bombs in the name of peace.

In the 70's, Boards of Trustees will be asked to pass upon a number of novel questions: e.g., further modification of admission standards to assure a student mix that ultimately will produce leadership for minority and other disadvantaged groups; development of additional sources of financing of room, board, and tuition for large numbers of enrollees; the maintenance of private institutional independence while benefiting directly or indirectly from increased government subsidy; programs designed to secure excellence, notwithstanding adjustments of admission

standards; retention or sale of stock interests owned by the college or university in corporations which, according to consumer or social oriented agencies, are manufacturing and distributing products endangering the environment--to which students vigorously object; the perennial question as to whether the university should affirmatively R.S.V.P. to ROTC; the question as to whether the university should lead society into social reform, particularly whether higher education should actively engage in applying its knowledge to remedy the ills or problems of the community (housing, urban sprawl, health, the reorganization of government) as land-grant colleges did in agricultural extension work. You may be asked to establish or expand non-degree granting Institutes of applied knowledge.

The Institutes could contract with community and industrial agencies to perform all kinds of specialized services. All of which brings us back to one aspect of the proposal that the university should lead in restructuring society and the possibility that the Harvard faculty may not have given the last word on the subject. Knowledge itself is the revolutionary force; whether it is distributed and

and applied through agencies within or attached to or independent of higher education may not be so critically important.

About ten days ago I had the privilege of witnessing at close range the launching of the ill-fated but glorious Apollo 13. The blast-off appeared auspicious in every respect--precisely on time, the rocket shooting swiftly into the Florida sky and subsequently into earth orbit and then into space, headed for the hills of the moon. But something went wrong as the whole world soon discovered, and the prayers of millions accompanied and supported the operations of return and recovery.

Previously, we had learned much from these magnificent ventures into space. After Apollo 11 and Apollo 12, men asked themselves everywhere, if mankind can achieve such excellence in planning, in directing, in coordinating, in teamwork on a moon project, why can't we do better with some of our problems on our earth? From Apollo 13 we have been given the additional lesson of humility; man and matter still have flaws; there are risks in every enterprise; the most meticulous planning cannot guarantee success. But we were reminded of something else:

the most precious resource is the human element, the miracle of being and surviving, more miraculous than the computer that made the rescue possible. And the most stirring part of the ordeal was the low-key conversations exchanged over hundreds of thousands of miles of space between the astronauts fighting for life and the Houston controllers determined to win that fight. When the chips are down and the struggle is mortal, we don't waste words, we don't make speeches; we don't play games. We do or die.

The steering of the university and of the college into an uncertain future has no point of departure or of termination, it has no dramatic structure and leads to no single climax of achievement or rescue. But the success of this project for men on earth is vastly more important than any lunar exploration, and the institution itself has become imperiled by pressures that are causing it to lose direction and purpose. The college--the university--needs to be saved from internal explosion and external drift. May we have the calmness, the courage, and the capacity to deliberate and to decide what will be required to conserve and yet adapt this most valuable of all the secular institutions created by Western civilization.

Much of what I have told you may have covered familiar ground. But it may serve some good purpose to restate or re-examine trustee requirements and needs. If a trustee performs his duties well, he need have no fear about his reward--if it is heaven, he will be that far ahead and if it is hell, then it will be no worse than what he has been through.